IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.534 OF 2006

Niranjan D.Woody ..Petitioner

Vs.

Milind C.Gawande and Ors. ..Respondents

Mr.E.P.Bharucha a/w Mr.Umesh Shetty for the petitioner

Mr.R.E.D'vetre a/w Mr.N.N.Bhatrashette for the respondent no.2

Dr.Virendra Tulzapurkar a/w Mr.D.J.Kakalie and a/w Mr.Kewik Sethalwad i/b Mulla and Mulla for the respondent no.3

CORAM : S.U.KAMDAR, J
DATED : 16TH MARCH, 2006

P.C.:

1. The learned counsel for the respondent bank states that the arithmetical errors pointed out by the petitioner in the accounts which was furnished to them would be looked into and if found correct necessary corrections will be effective. In so far as the claim of the petitioner to challenge the auction sale is concerned, the petitioner is

willing to follow the procedure prescribed under Rule 107(11)(f) of the Maharashtra Co-op.Societies Act, 1960. If such application is filed by the petitioner, the bank will appoint any other Recovery Officer then the one who has dealt with the matter already and the same will be determined in accordance with law and on its own merits. The respondents states that they will not press the issue of Limitation of 30 days for challenging the auction sale before the said Recovery Officer and the said application will be decided on its own merits and in accordance with the law.

2. On the aforesaid basis, the learned counsel for the petitioner seeks leave to withdraw the petition. Petition is dismissed as withdrawn. In the meantime, the statusquo to continue the Recovery Officer is directed to dispose of the application within 4 weeks from today.